

particular consuming institution, agency or sub-division of the State shall be forthwith submitted for immediate arbitration to a representative of the Board, a representative of the Department of Budget and Procurement and a representative of the State Comptroller or to a representative of the Board, of the particular consuming institution or agency or sub-division and of the State Comptroller as the case may be, whose joint determination shall be final and conclusive.

(5) The said Board shall have power and authority: (a) To place prisoners at labor upon State works whenever in the judgment of said Board the same shall be expedient and proper, upon such terms as to it shall seem wise. The said Board is hereby directed to provide, whenever in its judgment the same may be expedient, such form of labor as will offer an opportunity to prisoners to earn a surplus over the cost of their maintenance to the State, and said Board shall further provide in its discretion for the payment of any part of such surplus so earned, to the prisoner earning the same, or to such person or persons as he may direct.

(b) To formulate a system of records and accounting which shall at all times indicate the source, nature and extent of its purchases, and the source, nature and extent of its sales.

(c) To possess and enjoy all powers and authority necessary for the proper performance of any duty or function by this section devolving upon or required of said Board.

If any provision, sub-section, or sentence of this section or the application thereof to any person, corporation or circumstance, be held invalid, the remainder of the section, and the application of any such provision, sub-section or sentence to other persons, corporations or circumstances shall not be affected thereby.¹

Acts of 1916, ch. 556, and of 1918, ch. 354, held valid and not to impair obligation of a contract for convict labor made prior to their adoption. Specific performance; injunction. Nature and scope of police power. Cases reviewed. *Jones Hollow Ware Co. v. State Rds. Comn.*, 134 Md. 104.

¹ See sec. 799, *et seq.*

An. Code, 1924, sec. 677. 1916, ch. 556, sec. 631.

763. The said Board shall have the control and management of the financial affairs of the said institutions, and no bill against any of said institutions shall be paid until it has been approved by said Board and certified by the Chairman. The said Board shall make or direct to be made all purchases of supplies, including fuel, food, clothing, hospital stores, bedding, furniture and all other articles necessary for the use of said institutions or any of them; provided, that no contract for yearly supplies shall be made by them unless they shall have first given one week's public notice in some one of the daily papers of Baltimore City, inviting proposals and setting forth the quantity and quality of supplies required, and the time within which proposals for such supplies shall be made, and they shall accept such proposals as in their opinion, under all the circumstances, may be most advantageous to the institutions under their control.

Sec. 556, Code of 1904, referred to in deciding that ejection might be brought against warden of penitentiary, he being in actual personal occupancy of the premises. *Weyler v. Gibson*, 110 Md. 655 (decided prior to act, 1914, ch. 133).

An. Code, 1924, sec. 678. 1916, ch. 556, sec. 632.

764. The party, with whom any contract may be made by said Board, may be required by said Board to execute a bond to the State, with security

¹ Sec. 2 of ch. 213, Acts of 1937, repealed all acts and ordinances inconsistent therewith.